

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTOPHER GOODVINE,

Plaintiff,

ORDER

v.

08-cv-702-bbc

WILLIAM SWIEKATOWSKI,
SARAH COOPER, CHAPLAIN M.
DONOVAN, DENNIS MOSHER,
WARDEN POLLARD, PETER ERICKSEN,
MICHAEL MOHR, TOM GOZINSKE,
RICK RAEMISCH, JOHN BETT,
DAN WESTFIELD, MATTHEW FRANK,
TIMOTHY LUNDQUIST and DEPARTMENT OF
CORRECTIONS,

Defendants.

This case is proceeding on plaintiff Christopher Goodvine's claims that defendants violated his rights under the Constitution and the Religious Land Use and Institutionalized Persons Act by refusing to do the following from 2007 to the present:

- allow him to keep a number of sacred Muslim texts in his cell because he has exceeded the limits on publications for prisoners like him housed in segregation;

- provide him with a Qur'an even though they provide Bibles to Christian prisoners;
- allow him to order his own Qur'an;
- provide him with a halal diet;
- accommodate a religious fast by giving him sandwiches at night even though they accommodate fasts of Christian prisoners;
- determine the proper direction for Muslims to pray even though they assist Christian prisoners in following their religious obligations, such as by researching liturgical holidays.

Now plaintiff moves to voluntarily dismiss with prejudice his claims that the defendants failed to provide him with a halal diet; failed to accommodate a religious fast by giving him sandwiches at night even though they accommodate fasts of Christian prisoners; and failed to determine the proper direction for Muslims to pray even though they assist Christian prisoners in following their religious obligations, such as by researching liturgical holidays. He seeks to focus his efforts on prosecuting his claims that defendants failed to allow him to keep a number of sacred Muslim texts in his cell because he has exceeded the limits on publications for prisoners housed in segregation; failed to provide him with a Qur'an even though they provide Bibles to Christian prisoners; and failed to allow him to order his own Qur'an. I will grant plaintiff's motion.

In his motion, plaintiff says that the dismissal of these claims disposes of his claims

against defendants Timothy Lundquist and Dennis Mosher. This is true with respect to Lundquist, but not Mosher. Plaintiff is proceeding against defendant Mosher on his claim regarding the limitations on religious publications on the ground that Mosher is responsible for the policy that imposed such limitations. If plaintiff no longer wishes to pursue that claim against Mosher, he should file a separate motion stating his intent.

ORDER

IT IS ORDERED that plaintiff's motion to voluntarily dismiss with prejudice his claims that defendant failed to provide him with a halal diet; failed to accommodate a religious fast by giving him sandwiches at night even though they accommodate fasts of Christian prisoners; and failed to determine the proper direction for Muslims to pray even though they assist Christian prisoners in following their religious obligations, such as by researching liturgical holidays, dkt. #39, is GRANTED. Plaintiff's complaint is DISMISSED as to defendant Timothy Lundquist.

Entered this 27th day of August, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge